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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,644	04/23/2001	David de Andrade	004572.P005	6427
26263 7590 05/15/2007 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/841,644

Applicant(s)

ANDRADE ET AL.

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 28, 2007 have been fully considered but they are not persuasive.

Applicant argues that Portuesi teaches no provision for recognizing elements in an unmodified broadcast data stream (applicant's remarks, page 7), saying that the placement, timing, and association of the URLs with other elements of the time-based medium must be explicitly defined by a human operator.

In response, first it must be noted that no teaching in Portuesi states that a human operator must provide the explicit definitions for URL placement. Second, the claims themselves do not narrowly define the recognizing step or the recognition element in any way. The teachings of Portuesi show that a recognizing step or recognition element, of some sort, has provided the explicit definitions for URL placement, and thus meets the claimed limitations of a recognizing step or recognizing element, as they are claimed.

Additionally, the applicant did not traverse the examiner's use of official notice stating that it is notoriously well known in the art to enhance television broadcasts using standardized ATVEF triggers. This is taken as an admission of the fact herein, see MPEP 2144.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 11-19, 21-28, 30-37, and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Portuesi (5,774,666).

Regarding claims 1, 11, 21, 28, 30, 37, and 39, Portuesi discloses, in an interactive television (TV) environment, a method comprising recognizing elements in an unmodified broadcast data stream and prior to broadcasting, automatically inserting an interactive TV trigger into the broadcast data stream based on the recognized elements (col. 3 line 66 – col. 4 line 17; col. 4 line 47 – col. 5 line 12; and col. 8 line 66 – col. 9 line 21).

Regarding claim 2, Portuesi discloses the method of claim 1, further comprising pre-inserting the interactive TV trigger into any stored content that will constitute the broadcast data stream (col. 8 line 66 – col. 9 line 21).

Regarding claims 3-6, 23-26, and 32-35, Portuesi discloses the method and system of claims 2, 21, and 30, wherein the elements includes voice, other audio, video, and text elements (col. 5, lines 5-12).

Regarding claims 7, 27, and 36, Portuesi discloses the methods and system of claims 2, 21, and 30, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream based on the recognized elements (col. 8 line 66 – col. 9 line 21).

Regarding claims 8 and 18, Portuesi discloses the method and system of claims 1 and 11, further comprising delivering the broadcast data stream with the inserted interactive TV trigger to one or more receivers for display (col. 5, lines 32-58 and col. 8, lines 53-65).

Regarding claims 9 and 19, Portuesi discloses the method and system of claims 1 and 18, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream within a receiver (col. 5, lines 32-58).

Regarding claim 12, Portuesi discloses the system of claim 11, further comprising a recognizing unit to recognize one or more elements in the broadcast data stream (an inherent feature that is necessary for the association of triggers with the data stream as proposed by Portuesi, as Portuesi teaches the URLs are associated with specific audio or video portions, see col. 4 line 63 – col. 5 line 12, and figs. 3-4).

Regarding claims 13-16, Portuesi discloses the system of claim 12, wherein the elements includes voice, other audio, video, and text elements (col. 5, lines 5-12).

Regarding claim 17, Portuesi discloses the system of claim 12, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream based on the recognized elements (col. 8 line 66 – col. 9 line 21).

Regarding claims 22, 31, and 40, Portuesi discloses the method and system of claims 21, 30, and 39, further comprising passing the broadcast data stream to one or more receivers is the media asset does not match with an interactive element (all video elements are broadcast regardless of whether a trigger has been associated with them or not).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 20, 29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi.

Regarding claims 10, 20, 29, and 38, Portuesi discloses the methods and system of claims 1, 11, 28, and 37, but fails to disclose the interactive TV trigger includes an Advanced Television Enhancement Forum (ATVEF) trigger.

It is notoriously well known in the art to enhance television broadcasts using standardized ATVEF triggers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Portuesi to include ATVEF triggers, for the benefit of using a standardized means of content enhancement for broadcast programming (as Portuesi teaches the invention is not limited to merely URLs, col. 4, lines 10-18).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER